

Our Ref: PD/1600
Your Ref:



Neighbourhood Planning Officer
East Northamptonshire Council
Cedar Drive
Thrapston
Northants
NN14 4LZ

9th March 2015

Dear Sir/ Madam,

Regulation 14 – The Neighbourhood Planning (General) Regulations 2012 and The Localism Act 2011 – Chelveston-Cum-Caldecott Neighbourhood Plan – Sites NDP-S019c and NDP-S019d at Chelston Rise.

Introduction

Following the submission of the Chelveston-Cum-Caldecott Neighbourhood Plan for Examination and the publication of the Plan under Regulation 14 – The Neighbourhood Planning (General) Regulations 2012, please find below our comments made in respect of the Plan on behalf of our client the William Pears Group.

Overall, we are pleased with the progress that has been made on the emerging Chelveston-Cum-Caldecott Neighbourhood Plan and believe the Parish Council and Neighbourhood Plan Steering Group should be applauded for the extremely professional, unequivocally fair and thorough manner in which the Neighbourhood Plan was prepared.

There are range of comments we would like to make in relation to our client's sites at Chelston Rise but of primary importance we welcome the Parish Council's conclusion that the site at Chelston Rise is capable of development (reference: NDP-S019d and NDP-S019c) and as a matter of principle support these allocations.

However, we believe the number of houses should be increased at Chelston Rise and that Policy H1a draws the settlement boundary too tightly around the site and should extend into the area currently covered by the suggested LGS2 allocation. We are concerned by the local green spaces at Chelston Rise (LGS2 and LGS3) and do not believe these allocations are deliverable or consistent with paragraph 77 of the National Planning Policy Framework (NPPF) (2012).

We are also concerned that the proposed approach to phasing does not meet with national planning policy set out in the Framework.

In the preparation of this representation we have reviewed the requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 to confirm that:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed by a qualifying body.

We are satisfied that this is the case.

We have assessed whether the submitted Plan meets the Basic Conditions as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 following the Localism Act 2011. In order to meet the Basic Conditions, the submitted Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area.

We have a number of outstanding concerns in relation to whether the submission Plan is able to meet these criteria. We believe the Examiner will be able to recommend the Plan proceeds to referendum with amendments. To assist the Examiner we have identified the areas of concern, explained the problems and recommended solutions.

Settlement Boundary

When reviewing the settlement boundary of the Chelston Rise within Policy H1a and the allocation of 4 infill dwellings (reference: NDP-S019c) and 6 dwellings on the previously developed land at old school and boiler house site (reference: NDP-S019d). This settlement boundary is very restrictive and we believe this boundary should be extended to facilitate further development on the Chelston Rise site. The site is capable of further development than what is proposed within the Neighbourhood Plan at present.

Within the justification of Policy H4i, it states that '*the clean separation of Chelston Rise from the surrounding landscape is an important characteristic of the site...Development on green-field or neutralised green-field sites are Chelston Rise will be restricted*'. Our interpretation of this justification is that if development outside of the Chelston Rise is restricted the development boundary should be extended so that current and future housing needs can be met within the Chelston Rise area without development on the surrounding green-field sites. This would then enhance the importance of the separation of Chelston Rise to the surrounding green-field sites stated within the justification for policy H4i.

Phasing

Within policy H4i, the allocation at NDP-A019d at Chelston Rise has been phased from 2021 onwards with up to 6 properties being permitted. However according to the justification section following this policy it says that in the Aspirational Development Site consultation, there was majority support for the development of 6-10 houses during the first 10 years of the plan (2015-2025), therefore the two dates are not consist. We believe that there would be no effect on the current residents if the development on the old school and boiler house site were to be developed from the start of the plan period (2015) and we believe this part of the policy should be omitted.

We cannot see any justification for phasing development within the Neighbourhood in the first place particularly the government's clear desire "to boost significantly the supply of housing" outlined at paragraph 47 of the Framework.

The development of the old school and boiler house will be located at the entrance of the Chelston Rise settlement and there would not be additional traffic within the development site and would have no direct impact on the community of the Chelston Rise settlement.

Local Greenspace Designations

The Neighbourhood Plan seeks to allocate two areas of land within our client's ownership as Local Greenspace under LGS1 and LGS2. Our client is unwilling to accommodate these allocations. The NPPF is clear that local plans should be aspirational but realistic. (Paragraph 154) Paragraph 173 of the Framework goes on to confirm "Plans should be deliverable". These privately owned parcels of land are not available for this use.

In any event the paragraph 77 confirms: "The Local Green Space designation will not be appropriate for most green areas or open space."

Housing Targets and Density

We believe that it would be beneficial for the Neighbourhood Plan to adjust their wording of policy H5. Rather than state 'up to' which would restrict development considerably, the policy should read 'at least'. This has knock-on impacts for the other H5 policies, for example H5h becomes 'at least 4' and 'at least 6'. The policy should be amended to bring it in line with the Government's desire to boost significantly the supply of housing as set out in the NPPF. We therefore suggest that Policy H5 is amended to read as follows:

"H5 – At least 37 new properties will be permitted from 2015-2035 on the sites identified as preferred options during the land owner and resident consultation process. Developments on these sites will be permitted if they come forward in the time frame specified and if they conform to the policy constraints specified for each site."

A policy worded in this way would be less prescriptive and allow efficient use of land to be made. The now superseded Planning Policy Statement 3: Housing previously contained a housing density target of a minimum of 30 dwellings per hectare. This target was removed by the National Planning Policy Framework. This highlights the Government's desire for a flexible approach to dwelling densities and confirms densities should be based on what a given site can accommodate without significant adverse impacts.

We note that the ambition to make effective use of land is retained within the Framework and its importance is brought into sharp focus by its inclusion within the Government's Core Planning Principles which it states should "underpin both plan making and decision taking". (Paragraph 17) Policies elsewhere in the Development Plan would prevent any adverse impact on the character of the area arising from the more effective use of land east of the allocated sites at Chelston Rise.

Such a prescriptive density and housing target on each site also creates issues for decision makers when interpreting the supporting text and in turn policies concerning housing numbers. The Framework states:

"Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan." (Paragraph 154)

Notably, there is no evidence to demonstrate that the refusal of any planning application for 7 dwellings at land allocated under policy N5h (site NDP-SO19c) on the basis of policies contained within the Neighbourhood Plan would have regard to national planning policy, or be in general conformity with local strategic policies which seek to provide housing targets as a floor rather than a ceiling.

An approach of this ilk has been embraced by the Examiner of the Kirdford Neighbourhood Plan. The Examiner's Report for this Plan can be found at Appendix A.

Concerning the matter of housing targets being a minimum the Examiner recommends the following change at paragraph 132 of their Report:

"Recommendation: in order to avoid confusion and to ensure flexibility, I recommend deletion of upper limits where mentioned in the accompanying text to Policies KSS1 and KSS5 and in Section 3. I recommend deletion of the Summary in Section 3. A new paragraph at the beginning of the new Section 'Site Specific Land Use Policies' should explain that the minimum number of dwellings allocated on these sites is 61. The maximum numbers will be determined on a site – by site basis, taking into consideration site constraints and emerging Local Plan Policy."

This approach epitomises our argument. Density should be assessed on a site by site basis with the desire to utilise sites efficiently and boost significantly the supply of housing. Essentially, the Neighbourhood Plan's approach does not meet the basic conditions as it would constrain the important national objective of using land effectively as enshrined in the Core Planning Principles. It would also cap housing, potentially unnecessarily, where creative design could deliver additional dwellings therefore failing to accord with Paragraph 47 of the Framework.

Conclusion

The Neighbourhood Plan has been prepared extremely thoroughly and in a professional manner by the Parish Council and Neighbourhood Steering Group.

As a matter of principle we fully support the allocation of sites NDP-S019d and NDP-S019c for housing although believe a greater level of flexibility should be allowed for these sites to provide *"at least"* the level of housing envisaged in the emerging Neighbourhood Plan rather than *"up to"*. This approach accords with National Planning Policy to *"boost significantly the supply of housing."*

We cannot support the local green space designations allocated under policies LGS1 and LGS2. There is no right of public access to this land and the land is owned by our client who does not wish to accommodate the designations.

Phasing within the plan is unnecessary and would delay the delivery of much needed housing country to the aims of the Framework.

If you have any queries please do contact us.

Yours sincerely

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Appendix A

Kirdford Parish Neighbourhood Development Plan 2013

Report by Independent Examiner

Janet L Cheesley BA (Hons) DipTP MRTPI

CHEC Planning Ltd

January 2014

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Introduction

1. I was appointed as an independent Examiner for the Kirdford Parish Neighbourhood Development Plan 2013 in November 2013.
2. On 2 October 2012, Chichester District Council approved that the Kirdford Parish Neighbourhood Development Plan Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Kirdford.
3. The qualifying body is Kirdford Parish Council. The plan has been prepared by the Kirdford Parish Neighbourhood Plan Steering Group on behalf of Kirdford Parish Council. The plan covers the period to 2028.

Legislative Background

4. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
5. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.
6. I am obliged to determine whether the plan complies with the Basic Conditions. These are that the Plan is required to:
 - have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies contained in the Development Plan for the area; and

- not breach, and is otherwise compatible with, EU obligations and human rights requirements.
7. Chichester District Council has confirmed that the Plan would not trigger the need for a full Strategic Environmental Assessment or Habitat Regulations Assessment.
 8. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

9. *The National Planning Policy Framework 2012* (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
10. Kirdford Parish is within two Local Planning Authority areas, namely Chichester District Council (CDC) and the South Downs National Park (SDNP). The National Park Authority became the statutory Planning and Access Authority for the South Downs National Park area in 2011, responsible for preparing its own plans. Until such time as a Local Plan is produced for the National Park, the development plan for the Kirdford Neighbourhood Development Plan Area comprises saved policies from the *Chichester District Local Plan First Review* (adopted in April 1999). This Local Plan includes saved strategic policies regarding the natural environment.
11. Chichester District Council has recognised that it has a five-year housing land supply shortfall. To address this issue, the Council has produced an *Interim Policy Statement on Housing - Facilitating Appropriate Development* (2012). This interim statement does not apply to land in the South Downs National Park.
12. I have been referred to Chichester District Council's Interim Policy Statements on *Planning for Affordable Housing* (2007) and on *Planning and Climate Change* (2012).
13. Chichester District Council published the *Chichester Local Plan: Key Policies Pre-submission 2014-2029* in November 2013. This Local Plan and the Kirdford Neighbourhood Development Plan have been advancing in parallel. There is no legal requirement to test the Neighbourhood Development Plan against emerging policy.

The Neighbourhood Development Plan Preparation

14. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. These are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.

15. In May 2011, Kirdford Parish Council decided to convert a Community-Led Plan into a Neighbourhood Development Plan, with the required additional considerations to be given to land use and development policies.
16. Kirdford Neighbourhood Plan Steering Group carried out a site appraisal of all sites bordering the Settlement Policy Area (SPA) boundary, which were reviewed at a workshop led by The Princes Foundation.
17. The views of local residents were sought via a variety of exercises including survey questionnaires, public events, seminars and written contributions. Local organisations and businesses were consulted and invited to respond to questionnaires and/or provide submissions in writing or by way of discussion groups and meetings.
18. The central focus of all consultation information has been the Steering Group's website, which is linked to the Parish Council's website. Details of all documents in draft form as they evolved have been available for viewing and commenting upon through the website. I have viewed documents on this website. It is a well laid out and user-friendly site, which provides easily accessible up to date information.
19. In addition to the website, communication included email, publicity information published in Kirdford's monthly parish magazine, *The Parish News*, and notices and posters displayed on the four parish notice boards.
20. Support was received from The Glass House (Community Led Planning Consultants) and The Princes Foundation to help the community define the issues to be included in the Neighbourhood Development Plan and to identify the options through workshops and presentations. Informal lectures and information sharing events were organised. Specialists were engaged when required to help the community understand conversion to a Neighbourhood Development Plan.
21. The Consultation period on the Pre-Submission draft Neighbourhood Development Plan ran from 12 December 2012 until 4 February 2013. Consultation included the publication of all final draft documents on the website and copies were available for view at Kirdford Village Stores. 44 responses were received during the consultation period. These comments were considered by the Steering Group and 19 changes were made to the plan, five of which related to policies.
22. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. Indeed, it went well beyond the requirements and I applaud the efforts of the Parish Council and the Steering Group.
23. Following the pre-submission consultation, the Steering Group commissioned a planning consultant to assist with the re-wording of the policy text to incorporate planning terminology. A public meeting was held on 14th June

2013 in Kirdford Village Hall, when the revised wording was explained to residents who reaffirmed the document was consistent with the version consulted upon.

24. CDC publicised the Plan for comment during the publicity period between 19 July and 2 September in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 17 responses were received. I am satisfied that these representations can be assessed without the need for a public hearing. Whilst I have not made reference to all these representations in my report, I have taken them into consideration.

The Kirdford Parish Neighbourhood Development Plan

Section 1 Introduction

25. The plan area is a rural parish, with the main settlement area being Kirdford Village and a small settlement cluster at Hawkhurst Court, which lies within the South Downs National Park.
26. Included in this Section is a clear vision in the community's Vision Statement:

To ensure that the special characteristics of the village and Parish area, including their rural feel, historic buildings and relationship with the surrounding countryside, are enhanced and protected. Whilst at the same time recognising that change is inevitable and can be desirable when there is positive planning to support sustainable development.

Section 2 Issues and Objectives

27. The first three pages of this Section provide a useful context to the Plan area. They describe Kirdford Village today and the context for the Plan. They include two illustrations showing existing features and major land use. I suggest they are retained in the Plan and incorporated into the preceding Section.
28. The remainder of this Section sets out issues identified by the local community and lists eight objectives. It does appear that there is some confusion surrounding the status of these issues and objectives. In particular, in the representations, some consultees seemed to consider them to be policies.
29. The objectives appear to have evolved as part of the public consultation process. They are objectives to be taken into account in the production of the Plan. This is distinctly different to being the objectives of a finalised plan. It is important that these objectives are not perceived to be given a similar status to the land use policies. Some of the items listed in the objectives are not

mentioned again in the Plan and a number are not related to land use planning. They create confusion with regard to the status of the issues and objectives and detract from the development and land use planning role of the Plan.

30. It is necessary for Neighbourhood Development Plans to provide '*a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency*' as stated in the core planning principles in paragraph 17 in the NPPF. The issues and objectives do not provide a practical framework. Their deletion would meet the Basic Conditions in terms of having regard to national policy.
31. The deletion of the issues and objectives would provide clarity. I do refer to clarity with regard to a number of recommendations to policies in the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF.
32. In terms of editing, I suggest that the existing Section 2 is deleted, with the first three pages moved to Section 1. The Issues and Objectives could possibly be published separately as a background document.
33. **Recommendation: In the interest of clarity, I recommend the deletion of the Issues and Objectives from Section 2.**

Section 3 Community Proposals and Proposals Maps

34. Please see my comments under Kirdford Site Specific Policies below.

Section 4 Policies

35. In some instances, the policies are similar to those in the emerging Local Plan. In order to meet the Basic Conditions, it is not necessary to delete policies on the basis that they are duplicating emerging Local Plan Policies.
36. I have not specifically referred to all policies in the Neighbourhood Development Plan. I am satisfied that those policies I do not refer to meet the Basic Conditions.

Overarching Policies

General Policy SD.1: The Presumption in Favour of Sustainable Development

37. Policy SD.1 generally accords with the presumption in favour of sustainable development as set out in the NPPF. This policy is practically the same as draft Policy 1 in the *Chichester Local Plan: Key Policies Pre-submission 2014-2029*. I appreciate that the draft Local Plan may be subject to future amendment. As both plans are advancing in parallel, it is likely that there may

be duplication of this sustainable development policy. Nevertheless, in the absence of CDC having an adopted strategic policy with regard to sustainable development, I am satisfied that Policy SD.1 contributes to the achievement of sustainable development and has regard to national policies.

38. I am concerned that the informative accompanying Policy SD.1 seeks to redefine 'sustainable'. Having regard to national policy in the NPPF, I recommend modification to the first sentence of this informative, in order to meet the Basic Conditions.

Recommendation: modification to the beginning of the first sentence of the informative as follows: 'Informative: In the context of Kirdford, sustainability is particularly relevant with regard to:'.

Policy SDNP.1 - Development in the Neighbourhood Plan Area that lies within the South Downs National Park

39. This policy ensures that the two purposes of National Park designation are achieved within the Plan area that lies within the South Downs National Park. The saved Local Plan Policies pre-date the formation of the South Downs National Park and there is no up-to-date Development Plan for the National Park in Chichester District. Policy SDNP.1 demonstrates that it has had regard to national policy as set out in the Environment Act 1995 and the NPPF. Therefore, I consider that this policy meets the Basis Conditions.

Policy SDNP.2 – Setting of the South Downs National Park

40. This policy recognises the National Park's special qualities, in accordance with national policy. I understand that the South Downs Management Plan is due to proceed to adoption. To clarify the policy intention, I recommend that the word 'draft' in the last sentence is replaced with the word 'emerging'.
41. **Recommendation: in the interest of clarity, replace 'draft' in the last sentence with 'emerging'.**

Environmental Management Policies

Policy EM.1: Management of the water environment

42. It is clear that there is regular localised flooding of roads. The NPPF states at paragraph 101 that '*a sequential approach should be used in areas known to be at risk from any form of flooding.*' Paragraph 104 in the NPPF states that '*applications for minor development and changes of use should not be subject to the Sequential Test, but should still meet the requirements for site-specific flood risk assessments.*'
43. Policy EM.1 requires all new development to have a surface water management plan. To accord with the NPPF, I recommend that this is referred to as 'a site-specific flood risk assessment.'

44. The SDNP Authority has raised concern regarding the requirements in Policy EM.1 being a burden on developers, particularly for minor development. I am satisfied that the second paragraph in Policy EM.1 addresses this concern as the list of criteria is not required to be satisfied if unreasonable, unnecessary or would impact on the viability of a scheme.
45. The third criterion in Policy EM.1 duplicates the first criterion, although it omits the word 'any' before the word 'development'. In the interest of clarity, the word 'any' in the first criterion should be replaced with the word 'the' and the duplicate third criterion should be deleted.
46. As measures to address flood risk have been identified in the Plan, I consider it reasonable and necessary that this policy refers to a requirement for appropriate financial contributions towards off-site drainage and water run-off management.
47. **Recommendation: to meet the Basic Conditions, I recommend the following modifications to Policy EM.1: replace 'surface water management plan' in the first sentence with 'site-specific flood risk assessment'. Replace 'any' in the first criterion with 'the'. Delete the third criterion.**

Policy EM.2 – Nature Conservation Sites

48. I note that this policy wording was suggested by Natural England, although Natural England is now seeking the inclusion of undesignated areas. I am required to assess the policy against the Basic Conditions. The absence of reference to undesignated sites does not mean that the policy does not meet the Basic Conditions.
49. Designated sites have their own protection through EU legislation and the NPPF. Whilst it is not necessary to repeat policy found elsewhere, a Neighbourhood Development Plan can nevertheless meet the Basic Conditions if such replication of policy is included.
50. The SDNP Authority has raised concern regarding this policy. The Authority seeks to ensure that the protection of nature conservation sites is commensurate with their status. It identifies that for locally designated assets, exceptions for development will only be made where no reasonable alternatives are available and the benefits of development clearly outweigh the negative impacts. In contrast, in a Special Area of Conservation, development with potential to significantly affect the area would require special scrutiny and a detailed appropriate assessment.
51. To ensure the correct interpretation of the protection of these areas, I recommend that the difference in status is acknowledged in Policy EM.2.
52. Southern Water is seeking recognition within the policy that development for essential infrastructure will be granted in special circumstances. Subject to

my recommendation below, I am satisfied that existing legislation allows for exceptions where appropriate to the status of nature conservation sites. Therefore, it is not necessary to include reference to essential infrastructure in Policy EM.2.

53. I note the 'Conformity Reference' in connection with this policy refers to the wrong saved Local Plan Policies.
54. **Recommendation: to meet the Basic Conditions I recommend the addition of the following sentence at the end of Policy EM.2. 'The level of protection to be commensurate with their status.'** In the interest of clarity, reference to 'Saved Plan Policy R7 and R8 in the Conformity Reference should be amended to 'Saved Local Plan Policies RE7 and RE8.'

Policy EM.3 – Conserving and enhancing the historic environment

55. English Heritage has suggested the use of the word 'conserve' rather than 'protect' or 'preserve' and the inclusion of 'clearly and convincingly demonstrated' rather than 'clear and convincing justification' in the third paragraph. I agree with these suggestions to ensure continuity with the NPPF.
56. **Recommendation: to meet the Basic Conditions I recommend Policy EM.3 is re worded as follows:**

*The historic environment within the Plan Area will be **conserved** and enhanced through positive action.*

The significance of designated heritage assets, including nationally protected listed buildings and their settings, archaeological sites and conservation areas and their settings, as well as undesignated heritage assets (including locally listed buildings), will be recognised and they will be given the requisite level of protection.

*Development proposals which **conserve** and enhance a heritage asset will be supported where this is **clearly and convincingly demonstrated** by way of an assessment of the significance of the asset or its setting.*

*The sustainable re-use, maintenance and repair of listed buildings and other heritage assets will be supported. Particularly for those identified as being at risk. In conservation areas, the built form will be **conserved** and enhanced and there should be no net loss of trees. Physical improvements to conservation areas should be linked to the objectives contained within the Kirdford Village Design Statement, the Kirdford Conservation Area Appraisal and Management Proposals and the accompanying Townscape Analysis Map where appropriate.*

Development proposals should seek to maintain local distinctiveness through the built environment, in terms of buildings and public spaces – and enhance the relationships and linkages between the built and natural environment.

Community Development Policies

Policy CP.1 – The use of s106 Agreements and CIL to support community development

57. The reasoned justification accompanying this policy recognises that there is insufficient development land within the existing SPA to provide for all new or extended community facilities considered a prerequisite for future sustainable growth.
58. I note that the Parish Council has set up a Community Land Trust and has considerable experience in the complexity of delivering a community facility, in the provision of the community-owned Kirdford Village Stores. The Parish Council has considerable experience in delivering community development and the Action Plan in Section 5 shows that the deliverability of identified projects has been considered in detail.
59. Concern has been raised by Banner Homes Ltd with regard to the need to ensure that any contributions sought to support community development are subject to overall viability considerations.
60. Paragraph 173 in the NPPF states: *‘Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be delivered viably is threatened.’*
61. I am satisfied that the proposed provision of community development is reasonable and necessary and the mechanisms are in place to make this achievable. However, the list of proposed community development in Policy CP.1 is extensive. It is imperative that contributions for community facilities sought from development in the plan area do not make such development unviable. Otherwise, there may be a risk that the delivery of necessary housing may not be achieved. Thus, I recommend modification to Policy CP.1 to ensure the viability of development proposals.
62. In addition, I recommend the deletion of *‘and any percentage payment of New Homes Bonus or any other contribution that may become available to Kirdford Parish Council’* from the first paragraph. Such contributions would not come directly from the developer.
63. The list of proposed community development projects identified in this policy is included in the Action Plan. To clarify the policy intention, I recommend that there is cross-referencing to the specific projects in the Action Plan i.e. (Countryside and Environment Project No. 1).

64. **Recommendation: in order to meet the Basic Conditions, I recommend that the first two paragraphs of Policy CP.1 are modified as follows and the list of community development is cross-referred to projects in the Action Plan, where appropriate.**

*Any planning applications for new development within the Plan Area must demonstrate how they can contribute towards the delivery of community development. **This may be through contributions via a Section 106 Agreement or through payment of any future Community Infrastructure Levy.***

*Provision towards community development, either through direct provision of new facilities or through financial contributions, will be expected from all development subject to the guidance set out in the National Planning Policy Framework, **including the ability for development to be delivered viably.***

Policy CP2: The retention of assets of community value

65. This is not a land use policy. Therefore, I recommend this Policy becomes a Non - Statutory Community Aspiration and is moved to the Section 'Non - Statutory Community Aspirations and Action Plan' that I refer to below.
66. CDC is obliged to hold a Register of Assets of Community Value. In order for the identified buildings to be included in the Register, it is necessary that these buildings are nominated for inclusion and that CDC accepts the nominations. I note that such a nomination has been declined for the Workshop, thus it would be sensible to remove the Workshop from the list.
67. **Recommendation: As this is not a land use policy, I recommend the deletion of Policy CP2. It can be incorporated into the Non - Statutory Community Aspirations and Action Plan Section as a Non - Statutory Community Aspiration.**

Housing Policies

Policy H.1 – Local occupancy conditions

68. This policy seeks to restrict occupancy of new dwellings, including affordable, work/live units and 1 and 2 bedroom market housing and a proportion of dwellings on sites of two dwellings or more in the SPA, to local occupancy if a list of criteria is satisfied. In particular, this Policy specifies that clear, robust, up-to-date evidence of local need is required before the inclusion of a local occupancy clause.
69. Preceding this policy is a definition of 'local' to inform the housing policies. This list represents the broadest criteria to be used to identify local need. An enhanced set of criteria would be used to allocate affordable housing. The criteria for affordable housing and exception sites are broadly in accordance with the definition of 'Local Connection' as outlined in the *CDC Allocation*

Scheme (July 2013). Therefore, I consider the local occupancy conditions with regard to affordable housing and rural exception sites are acceptable.

70. I realise that I have limited evidence before me with regard to the need for local occupancy conditions for market housing. I understand that high second/holiday home ownership within Kirdford makes it difficult for local people to secure housing. The Kirdford Neighbourhood Plan Sustainability Appraisal identifies that deprivation measures place the Parish as deprived in terms of access to housing. In addition, it identifies that house prices in Kirdford are significantly higher than those for comparable homes in the wider district.
71. Evidence of local need would be assisted by the proposed Parish Housing Register for market and affordable housing. This would help provide the up-to-date locally identified need which is required to 'trigger' the local need requirement. However, in the absence of this Register, I have no robust and credible evidence before me to clearly justify the policy approach with regard to local occupancy conditions and market housing.
72. Without the evidence base required, this policy approach to market housing would not have regard to the NPPF. In particular, it would not ensure the provision of a '*mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*' (paragraph 50). I realise that local people are likely to be disappointed with my recommendation, but the policy approach to market housing would be contrary to the Basic Conditions. Therefore, I recommend the deletion of local occupancy conditions with regard to market housing from Policy H.1.
73. **Recommendation: include 'for affordable housing' at the end of the Policy title. Delete reference to market housing from Policy H.1 and from the definition of 'local' preceding Policy H.1.**

Policy H.2 – Housing for Older People

74. The CDC *Interim Statement on Planning for Affordable Housing* (2007) has a requirement for 20% of dwellings as affordable housing on sites of 5-9 dwellings and 40% on larger sites. I note that the emerging Chichester Local Plan has a draft policy requiring 30% affordable housing on all new sites. Although this requirement may be modified in a final Local Plan, it is not in dispute that there is an identifiable need for affordable housing in the Kirdford Neighbourhood Development Plan area.
75. Policy H.2 seeks housing for older people on sites of four or more dwellings. It states that affordable housing may be sought in addition to housing for older people. This implies a hierarchy whereby housing for older people outweighs a need for affordable housing. Whilst I acknowledge that Kirdford has a high proportion of older people, evidence also indicates that there is a need for affordable housing. Therefore, I see no robust and credible evidence base to justify this policy approach.

76. The Parish Council, in the Pre-Examination Response, has referred to a similar policy in the *Upper Eden Neighbourhood Development Plan*. I have read the relevant section of the Examiner's Report into that Plan. It does appear that the circumstances are distinctly different to the circumstances before me, in that the Upper Eden Plan area included two large service areas. The Examiner recommended that the section of the policy in relation to sites of four units or more was restricted to the main service centres only. This was due to his concern with regard to the imposition of such a policy on development in a small settlement, where the need for more general affordable housing and NPPF 173 comes more strongly into play. I share that concern.
77. I consider the proposed hierarchy in the first paragraph of Policy H.2 could have a detrimental effect on the deliverability of general affordable housing. This would be contrary to policy in the NPPF with regard to meeting identified need for affordable housing. Thus, Policy H.2 would not meet the Basic Conditions in this respect. Therefore, I recommend the deletion of this part of the policy. I realise that this has implications for the site specific policies later in the Plan, as this requires the references to the provision of housing for older people in the site specific policies to be deleted. As I have not found it appropriate for local occupancy conditions to be imposed on market housing in Policy H.1, the remaining paragraph should specifically only refer to affordable housing for older local people in the first and third criteria.
78. I realise that local people may be unhappy with this recommendation. I feel that the retention of the last paragraph of this policy will allay these concerns to some extent. The retention of the last paragraph would make certain that the intention to provide appropriate alternative housing for older people is not lost. That paragraph supports proposals coming forward for housing for older people. Although I recommend reference to the requirement for housing for older people is deleted from the site specific policies, this does not preclude developers from proposing development for older people on the allocated residential development sites.
79. **Recommendation: In order to meet the Basic Conditions, I recommend the deletion of the first two paragraphs of Policy H.2 and editing of the accompanying text accordingly. I recommend the retention of the last paragraph of the policy with specific explanation that criterion 1 and criterion 3 only apply to affordable housing. I recommend reference to housing for older people be deleted from the site specific policies and replaced where appropriate with residential development.**

Policy H.3 – Agricultural Occupancy Conditions

80. This policy seeks to retain existing agricultural or forestry workers accommodation in the long term by resisting loss to market housing. The final criterion in the marketing exercise concerns flood risk. This is not necessary as the policy proposes retaining agricultural dwellings as other

residential properties. Thus, there would not be an intensification of use. In accordance with the NPPF, a sequential risk based approach would not be necessary in these circumstances. By deleting this criterion, I consider this policy would be in accordance with the NPPF with regard to the objectives of supporting a prosperous rural economy.

- 81. Recommendation: In order to meet the Basic Conditions, I recommend the deletion of the last criterion in the informative to Policy H.3.**

Policy H.4 – Work/Live Units

82. The evidence base includes the report *Tomorrow's Property Today (2008)* which fully explains the concept of work/live units and how they are distinctly different to 'home working' in a dwelling. Work/live units are defined as the '*design or conversion of a building to create a professional workspace that can be used comfortably – and possibly by more than one person – to run a business.*'
83. The Kirdford Neighbourhood Plan - Sustainability Appraisal identifies that '*the parish has higher than average full-time employment with a high percentage of the workforce educated and skilled and working in professional roles. However, there is still a significant proportion of people with no qualifications and access to work relies heavily upon car use.*'
84. I have no robust and credible evidence before me to determine that there is a locally identified need for work/live units. The Parish Council has had the opportunity to provide such local evidence base throughout the plan making process. I have decided against holding a Hearing to seek clarification on this matter, for two reasons. Firstly, that I do not need clarification with regard to the work/live concept, as I have sufficient detail before me. Secondly, if any locally identified need were to be produced at a Hearing, it would constitute the introduction of new evidence, which would be contrary to the Regulations.
85. For the above reasons, I am not satisfied that there is a local evidence base justification for work/live units to be allocated on development sites within the Plan area. This would have a detrimental effect on the deliverability of residential development. Nevertheless, Policy H.4 does not specifically allocate sites for work/live units. It supports them wherever possible and seeks to ensure that they are compatible with neighbouring uses. If proposals for work/live units were to come forward, this policy would encourage such uses on appropriate sites. As such, I consider this policy accords with the NPPF with regard to supporting a prosperous rural economy, as long as reference is included to determining that there is an up to date local need. Therefore, the retention of Policy H.4, with the inclusion of 'if it can be determined that there is an up to date local need' at the end of the first sentence, would meet the Basic Conditions.

86. I realise that local people may be disappointed with my conclusion that work/live units should not be specifically allocated within residential sites in the Plan. I would urge any local people with a genuine intention to run a business from a work/live unit not to be disheartened, as the retention of this policy does retain support for the principle of work/live units, if it can be determined that there is an up to date local need.
87. **Recommendation: retention of Policy H.4 with the inclusion of ‘if it can be determined that there is an up to date local need’ at the end of the first sentence. Deletion of allocations of work/live units in site specific Policies KSS1 and KSS2a and replacement where appropriate with residential development.**

Policy H.5 – Replacement or Extension of Existing Rural Dwellings

88. The title of this policy refers to replacement dwellings, but the policy only refers to extensions. This policy cross-refers to Policy G2, which appears to be a policy number in a former version of the Plan.
89. **Recommendation: in the interest of clarity, I recommend the removal of the cross reference to Policy G2 and removal of reference to ‘Replacement Dwellings’ in the title and accompanying text.**

Design Standards Policies

Policy DS.1 – New development on unallocated sites

90. The SDNP Authority has requested that reference is made in this policy to paragraph 16 in the NPPF. Whilst I have no objection to such a reference being included, I consider that the policy as it stands meets the Basic Conditions. In particular, it cross-refers to other policies in this Plan, which includes Policies SDNP1 and SDNP 2 with regard to development in the National Park. Therefore, I do not recommend modification to this policy.

Policy DS.4 – Local Fibre or Internet Connectivity

91. This policy seeks the provision of good telecommunications and connectivity as a means of delivering sustainable economic growth. In order to ensure that such requirements are reasonable in terms of viability and deliverability of the development proposed, reference should be made to paragraph 173 in the NPPF.
92. This policy has been incorrectly numbered as E.2.
93. **Recommendation: in the interest of viability and deliverability, insert after ‘minimum’ in the fourth sentence ‘and subject to viability and deliverability in accordance with paragraph 173 in the National Planning Policy Framework’. In the interest of clarity, renumber this Policy as Policy DS.4. These modifications would meet the Basic Conditions.**

Policy DS.5 – Code for Sustainable Homes Standards in the Plan

94. This policy seeks to encourage reduction of energy usage. It specifically refers to Level 5 Code for Sustainable Homes standard for new houses within and adjoining the settlement area. The Parish Council has confirmed in the Pre-Examination Response that this Policy is meant to cover the whole of the Plan area.
95. Level 5 is a high level to attain. In order to ensure viability and deliverability, it is necessary to include reference to paragraph 173 in the NPPF in this policy.
96. **Recommendation: in the interest of viability and deliverability insert at the end of this policy: ‘and subject to viability and deliverability in accordance with paragraph 173 in the National Planning Policy Framework.’ This modification would meet the Basic Conditions. As it is clearly the intention that the Policy covers the whole Plan area, I suggest the deletion of ‘and adjoining the settlement’ and replacement with ‘the Plan’.**

Recreation Policies

Policy R.1 – Local Green Space

97. Land to the north east of Growers Green/Bramley Close is proposed as allotments and an orchard, (Proposal 8 (B)). Land to the south of Townfield and Cornwood is proposed as a new village social and recreational hub, (Proposal 2 (B) and Policy KSS2b).
98. A criterion in the NPPF requires a Local Green Space to be demonstrably special to a local community and hold a particular local significance. At present, these sites are open spaces. If these sites are developed as proposed, it is likely that they may meet this criterion. Until such time as they are developed, they do not.
99. The NPPF states that Local Green Spaces should only be designated when a plan is prepared or reviewed. Therefore, it is not appropriate to include the last sentence of Policy R.1, which pre-allocates public open space on sites allocated in the Plan as Local Green Space. They will have to be assessed against the criteria in the NPPF in a review of the Plan once the sites are developed. This aspiration can be referred to in the policy intention, but should be removed from the policy itself.
100. The remaining sites on the list in Policy R.1 are existing green areas, which, from my observations when I viewed the sites, meet the criteria in the NPPF for designation as Local Green Space. In the interest of clarity, these Local Green Spaces need to be identified on the Development Proposals Map.
101. Southern Water has requested reference to the need to allow essential infrastructure in designated Local Green Space. The NPPF states that local

communities will be able to rule out new development on Local Green Spaces other than in very special circumstances. These very special circumstances are not defined in the NPPF and it is not for me to decide whether essential infrastructure constitutes very special circumstances.

102. **Recommendation: identify Local Green Spaces on the development proposals map. Delete reference in the policy to land to the north east of Growers Green/Bramley Close and land to the south of Townfield and Cornwood. Delete the last sentence. Include a sentence in the intention to the policy to read as follows: ‘any public open space to be provided as part of the site specific policies in this plan shall be considered for designation as Local Green Space in a review of this plan if they meet the criteria in the NPPF.’ These modifications would meet the Basic Conditions.**

Policy R.2 – Existing and Allocated Open Space

103. This policy initially refers to paragraphs 76-78 in the NPPF with regard to Local Green Space then proceeds to replicate paragraph 74 in the NPPF with regard to existing open space, sports and recreation buildings and land.
104. In the NPPF, Local Green Space is afforded greater protection than existing non - designated open space. Sites to be designated as Local Green Space under Policy R.1 would be afforded this greater protection under paragraphs 76-78 in the NPPF. Any other existing open space, sports and recreation buildings and land in the Plan area would be afforded protection in accordance with paragraph 74 in the NPPF.
105. Policy R.2 causes confusion, as it appears to mix the level of protection of designated and non-designated open spaces together. This does not have appropriate regard to the NPPF and therefore does not meet the Basic Conditions.
106. **Recommendation: in the interest of clarity and as the levels of protection for open space are defined in the NPPF, I recommend the deletion of Policy R.2.**

Policy R.3 – Public Rights of Way and Policy R.4 – Catering for Cyclists and Pedestrians.

107. The SDNP Authority exists with two purposes and one duty, in accordance with the Environment Act (1995). Purpose 2 is *to promote the opportunities for public enjoyment and understanding of the special qualities of the National Park*. The SDNP Authority has requested reference in Policies R.3 and R.4 to the positive benefits of Public Rights of Way in allowing residents and visitors to enjoy the special qualities of the National Park. I consider that such references would ensure that regard has been made to national policy in the Environment Act (1995).

108. Reference is made in Policy R.3 to ‘the satisfaction of officers.’ Planning decisions are made by local planning authorities. As there are two planning authorities in the Neighbourhood Development Plan area, it is necessary to amend Policy R.3 to refer to ‘the relevant local planning authority.’
109. **Recommendation: to meet the Basic Conditions I recommend Policy R.3 is amended as follows:**

*Within the Plan Area, existing public rights of way and means of public access, provide a high level of amenity value, and will be protected, and where possible enhanced, by development. In the event that a Public Right of Way crosses a proposed development site, the proposal will not be supported unless it can be demonstrated to the satisfaction of **the relevant local planning authority** that either the current course of the right of way can be retained or that any diversion would not result in any adverse impact on residential amenity, the safety of the general public, **or the enjoyment of the special qualities of the National Park by residents and visitors.***

110. **Recommendation: to meet the Basic Conditions I recommend ‘and contribute towards the enjoyment of the special qualities of the National Park by residents and visitors’ is inserted at the end of Policy R.4.**

Policy R.6 – Equestrian Facilities and Energy Policy E.1 – Renewable Energy

111. Reference is made to conformity with the Environmental Policies in the Plan. It is not clear whether this only refers to the Environmental Management Policies. In the interest of clarity and in particular, to ensure that the policies regarding the SDNP Authority area are taken into consideration, I recommend that ‘Environmental’ is removed from both Policies R.6 and E.1. This will ensure that conformity is with all appropriate policies in the Plan.
112. **Recommendation: Policy R.6 deletion of ‘Environmental.’**
113. **Recommendation: Policy E.6 deletion of ‘Environmental.’**

Additional Policy

114. Southern Water has requested a new policy regarding the provision of infrastructure. The development plan currently seeks to ensure the provision of adequate infrastructure in saved Local Plan Policy BE11. Therefore, it is not necessary to include the suggested policy in this Neighbourhood Development Plan.

Kirdford Site Specific (KSS) Policies

115. Section 3 in the Plan sets out community proposals and proposals maps. During the consultation period, those commenting on the Plan indicated

confusion surrounding the intent and statutory weight of the community proposals. This was not helped by the repetition of some proposals in the site specific policies at paragraph 4.8 further into the Plan and in some cases; there is a contradiction between proposals and site specific policies.

116. The Plan has to be deliverable and therefore has to be clear in its intentions. I note that Section 3 is seen as a cohesive community action plan that sets out how all of the aspirations of the people of Kirdford, expressed during the consultation process, can be translated into reality. As such, there is resistance to this Section being removed from the main body of the Plan.
117. I have given this matter considerable thought. I do not consider the most appropriate way forward is to include an explanatory paragraph at the beginning of Section 3 outlining the status of the proposals, as there would still be duplication and contradiction with site specific policies further into the Plan.
118. I recommend that land use proposals in Section 3 are incorporated into a new Section with the site specific policies. The new Section would be titled 'Site Specific Land Use Policies.' This new Section should to be placed within the Plan directly after the 'Policies' Section which should be re-titled 'General Land Use Policies.'
119. The site specific maps in Section 3 can be incorporated into this new Site Specific Land Use Policies Section for each allocated development site. They should be clearly labelled as being for illustrative purposes only and amended where appropriate to remove reference to elderly accommodation and work/live units.
120. Section 3 includes non - statutory community aspirations for some of the allocated development sites. These can be incorporated into the new Site Specific Land Use Policies Section after each land use policy where appropriate. They should have the title 'non - statutory community aspirations' and be written in a distinctly different type face to the land use policies to ensure that they do not appear as part of policy. This will provide one reference point for each allocated development site and will provide a clear distinction between land use policy and community aspirations.
121. There should be an introductory paragraph at the beginning of this new Section to explain that planning applications will be determined against the land use policies only and the illustrative maps and non - statutory community aspirations are provided as non-statutory background.
122. The remaining non-land use proposals in Section 3 should be incorporated into the Action Plan as 'non - statutory community aspirations', to be referred to later.

123. In the interest of clarity, illustration 7 should have the title 'Land Use Development Proposals' and the Table of Objectives after Policy KSS5 should be deleted.
124. I realise this approach requires a certain amount of editing of the Plan. It is important that the Plan is written by the local community. Therefore, I urge that the Parish Council has a major input into this editing. This way, the integrity of the Plan and the aspirations of the community can be retained. This does have the added advantage of enabling repetition and contradictions to be removed and the removal of specific references to work/live units and housing for older people from the text and site-specific maps.
125. **Recommendation: in the interest of clarity and deliverability, I recommend that land use proposals in Section 3 are incorporated into a new Section with the site specific policies to be titled 'Site Specific Land Use Policies.'** This new Section should to be placed within the Plan directly after the 'Policies' Section which should be re-titled 'General Land Use Policies.' My suggested general editing details are outlined above.

Total Housing Numbers

126. There is not an up-to-date strategic policy against which to assess the overall housing figures. Draft Policy 5 in the emerging Local Plan states an indicative figure of 60 dwellings for Kirdford Parish during the period 2012-2029. I realise that this figure may be subject to alteration through the Local Plan Examination. It is not for me to pre-judge the outcome of that Examination. I understand that the indicative figure of 60 dwellings has been derived following assessment of the housing potential and capacity of each Parish. I realise that the Local Plan period is to 2029, rather than 2028 in this Neighbourhood Development Plan. Nevertheless, from the evidence before me, I consider the indicative housing figure provides me with the best guidance on total housing numbers for the Kirdford Parish area.
127. At the end of Section 3 in the Plan, reference is made to a total provision of between 62-76 dwellings during the plan period. In the same paragraph in Section 3, a total provision of between 53-65 units is stated. This does cause confusion.
128. Site specific allocations in Policies KSS1, KSS2a, KSS4 and KSS5 are expressed either as a range of number of dwellings or as a minimum. The minimum allocated on these sites totals 61 dwellings. Where there are a minimum number of dwellings referred to in policies, the upper limits are referred to in the accompanying *objective and intention* and/or in Section 3. This does cause confusion.
129. Reference is made in Section 3 to possible constraints due to current sewage plant capacity and the need to provide community and commercial facilities. Southern Water has stated that the capacity of the current environmental

permit at Kirdford treatment works should not be seen as a constraint to development.

130. To ensure flexibility and avoid confusion, I recommend that reference to upper limits in the supporting text to the allocated sites in Policies KSS1 and KSS5, are removed from the Plan.
131. The minimum of 61 dwellings allocated in the site specific policies is in accordance with emerging Local Plan policy and allows for flexibility should the indicative figure in the emerging Local Plan increase. I consider this approach has regard to the NPPF and thus meets the Basic Conditions.
132. **Recommendation: in order to avoid confusion and to ensure flexibility, I recommend deletion of upper limits where mentioned in the accompanying text to Policies KSS1 and KSS5 and in Section 3. I recommend deletion of the Summary in Section 3. A new paragraph at the beginning of the new Section ‘Site Specific Land Use Policies’ should explain that the minimum number of dwellings allocated on these sites is 61. The maximum numbers will be determined on a site - by site basis, taking into consideration site constraints and emerging Local Plan Policy.**
133. I make comment on the site specific policies having regard to my comments above.

Policy KSS1 – Land to the north of Kirdford Growers

134. Banner Homes Ltd has indicated that the site has capacity for 80 dwellings and has objected to references to phasing and to the identification of the adjacent reserve site on the football field.
135. I consider that the figure of a minimum of 45 dwellings in this policy allows a flexible approach, taking into consideration site constraints. Reference to a 1-10 year phased timescale is found in the Monitoring Section under ‘Delivering the Plan’. This is not part of Policy KSS1, which only specifies a phased development. The reserve site is not specified in Policy KSS1 and the Plan is not reliant on the relocation of the football field to meet indicative emerging housing requirements. As explained above, I am satisfied that the flexible approach meets the Basic Conditions. Thus, I see no requirement to make the modifications suggested by Banner Homes Ltd with regard to Policy KSS1.
136. Southern Water has requested reference within the policy to the need to connect to the sewerage system at the nearest point of capacity. The development plan currently seeks to ensure the provision of adequate infrastructure in saved Local Plan Policy BE11. Therefore, it is not necessary to include a reference in Policy KSS1.

137. **Recommendation: remove reference to housing for older people and work/live units. Incorporate relevant parts of the text and site specific proposal map from Proposal 1(A) into the preceding ‘objective and intention’. Remove upper limit on housing figures in the accompanying text.**

Policy KSS2a – Land at the southeast corner of Townfield

138. **Recommendation: remove reference to work/live units. Incorporate relevant parts of the text and site specific proposal map from Proposal 2(B) into the preceding ‘objective and intention’.**

Policy KSS2b – Land at Townfield

139. **Recommendation: remove the last paragraph with regard to Local Green Space. Incorporate relevant parts of the text and site specific proposal map from Proposal 2(B) into the preceding ‘objective and intention’.**

Policy KSS3 – Land at the junction of Plaistow Road

140. This site is proposed for employment purposes. As such, any development for work/live units would not undermine the deliverability of residential development within the Plan area. On this basis, reference to work/live units can be retained. For clarity, there should be a cross reference to Policy H.4.
141. **Recommendation: incorporate relevant parts of the text and site specific proposal map from Proposal 11(A) into the preceding ‘objective and intention’. Re word the second paragraph as follows:**

*The redevelopment of the site with an element of Work/Live Units will be considered **in accordance with Policy H.4**, provided it can be demonstrated that there will be no detrimental impact to the amenity of future residents.*

Policy KSS4 – Land at Village Hall

142. **Recommendation: incorporate relevant parts of the text and site specific proposal map from Proposal 14(A) into the preceding ‘objective and intention’. Remove the incorrect reference to Policy TR.2 and replace with Policy DS.3.**

Policy KSS5 – Land at Cornwood and/or School Court

143. **Recommendation: remove reference to elderly person’s housing. Incorporate relevant parts of the text and site specific proposal map from Proposal 15(A) into the preceding ‘objective and intention’. Remove upper limit on housing figures in the accompanying text.**

Section 5 Action Plan

144. Following my comments above, Policy CP2 and the remaining non-land use proposals in Section 3 should be incorporated into this Section. For clarity, this should now have the title: 'Non - Statutory Community Aspirations and Action Plan.'
145. **Recommendation: to meet the Basic Conditions I recommend that Policy CP2 and the non-land use proposals in Section 3 are grouped together in the Action Plan. This Section should have a new title 'Non - Statutory Community Aspirations and Action Plan.'** The title of each proposal should include the wording 'Non - Statutory Community Aspiration'. A preceding paragraph should remind readers that these are community aspirations and not land use policies. It should make clear that these non-statutory community aspirations are not part of the development and land use policies in the Plan and do not go forward to referendum.

Section 6 Monitoring & Delivery

146. The Monitoring and Delivery Section includes a table of proposals and, the mechanisms for their delivery.
147. **Recommendation: remove reference to elderly homes in Proposal 15 to comply with my previous recommendations.**

Referendum and the Kirdford Parish Neighbourhood Development Plan Area

148. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or
 - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
149. **I am pleased to recommend that the Plan as modified by my recommendations should proceed to Referendum.**
150. I am required to consider whether or not the Referendum Area should extend beyond the Kirdford Parish Neighbourhood Development Plan Area. I see no reason to alter or extend the Neighbourhood Development Plan Area for the purpose of holding a referendum.

Summary and Conclusion

151. I have recommended various modifications to the Plan. These include the deletion of the Issues and Objectives in Section 2. I have recommended combining the land use proposals from Section 3 and the site specific land use policies into a new Section. I have recommended that the remaining non-land use proposals are clearly described as non - statutory community aspirations and are separated from the land use policies.
152. I have recommended modifications to a number of policies. In particular, I have not found robust and credible evidence to support the policy approach to local occupancy conditions for market housing, the requirement for the provision of dwellings for older people and the requirement for the provision of work/live units. I have recommended removal of references to these requirements from the site specific policies for allocated residential development sites. However, this does not preclude developers from proposing development for older people and work/live units on these sites.
153. My recommendations ensure that the Plan meets the Basic Conditions. Subject to my recommendations being accepted, I consider that the Kirdford Parish Neighbourhood Development Plan will provide a strong practical framework against which decisions on development can be made.

Minor Amendments

154. These suggested minor amendments are for Kirdford Parish Council and CDC to incorporate if they wish. They are not formal recommendations and have no bearing on whether the Plan meets the Basic Conditions.
155. I have found discrepancy within the Plan with regard to the Plan's title. Some paragraphs and policies refer to the Neighbourhood Plan Area and others to the Neighbourhood *Development* Plan Area. The title of the Plan is the *Kirdford Parish Neighbourhood Development Plan*. For consistency, I recommend that all references include 'Development' in the title and the Plan is abbreviated as KPNDP. I do not intend to highlight these individual references, as this is an editorial matter.
156. Some policies are written in italics, others are not. It would be helpful if there is a continuity of style.
157. I have concentrated on ensuring that the policies meet the Basic Conditions. There may be amendments required to the accompanying text as a result of my suggested policy amendments. I have highlighted these to some extent, but some editing may be required to ensure consistency with policies and numbering. In particular, editing is required in the Introduction Section under 'Purpose of the Neighbourhood Plan' and 'The Plan Area'.

158. Following my recommendations with regard to the proposals in Section 3, it may be appropriate to remove the numbering of proposals altogether from the Plan. If so, they would need to be removed from the 'Delivering the Plan' table in the Monitoring and Delivery Section.

A handwritten signature in black ink that reads "Janet Cheesley". The signature is written in a cursive style with a large initial 'J'.

Janet Cheesley

Date 8 January 2014

Appendix 1 Background Documents

Legislation

The National Planning Policy Framework (The Framework) (2012)

The Planning and Compulsory Purchase Act 2004

The Localism Act (2011)

The Neighbourhood Planning Regulations (2012)

Statutory and Core Documents

Kirdford Neighbourhood Plan 2013

Kirdford NP Basic Conditions statement 2013

Kirdford NP consultation Statement March 2013

Kirdford NP Sustainability Appraisal April 2013

Chichester District Council 1999 Local Plan saved policies including August 2011 status of Development Plan documents doc, and Chichester District Public Art Strategy.

Chichester District Local Plan Key policies pre submission November 2013

Chichester District Local Plan preferred options document April 2013

Coastal West Sussex SHMA – Chichester District summary.

Interim Policy Statement on Housing – Facilitating Appropriate Development Effective 20 July 2011 (Updated January 2012, July 2012 and 9 October 2012 by Council)

Interim Policy Statement on Planning and Climate Change June 2013

Interim Statement on affordable housing September 2007

FAD –Council resolution.

Chichester District Council – Allocation scheme July 2013

Saved Policies report June 2012

SDNP Documents

English National Parks and the Broads Circular 2010 (Defra)

South Downs National Park Management Plan – the Partnership Management Plan 2014-2019 Draft

South Downs Local Development Scheme February 2013

South Downs National Park Housing Requirements Study: Final Report October 2011

coastal West Sussex SHMA – South Downs National Park summary

South Downs Employment Land Review May 2012

South Downs National Park Renewable and Low Carbon Energy Study – Scoping Report August 2012

South Downs National Park Renewable and Low Carbon Energy Study – Main Report May 2013

Kirdford Evidence Base Documents

Kirdford Parish ‘a sense of place’

Kirdford Parish ‘a sense of community

Kirdford parish ‘a sense of the countryside’

Kirdford ‘a framework plan for the future’

Kirdford Village Design Statement July 2011

Core documents:-

CD-001 Survey Questionnaire 2010

CD-002 Survey Analysis & Report 2010

CD-003 The Glasshouse Report – Independent Facilitator & Process 2011

CD-004 Schedule of community events and workshops 2010-11

CD-005 Yes Publication ‘The case for including Kirdford in the South Downs National Park 2008’

CD-006 KPNP Business Survey 2012

CD-007 KPNP Business analysis & report 2012

CD-008 CDC Local Housing Need Summary 2012

CD-009 CDC LPA -Saved Policies, Local Plan 1999

CD-010 SDNP-Statement of Objectives and Development Plan Information

CD-011 WSCC Biodiversity Report 2012

CD-012 Consultations

CD-013 Consultee responses

CD-014 Prince's Foundation Workshop report – Vision & Objectives planning 2012

CD-14a Princes Foundation Workshop Briefing Document

CD-15 CDC Housing Allocation Consultation response 2012

CD-016 West Weald Landscape Project

CD-017 KPNP Sustainability Assessment 2012

CD17a Draft Sustainability Appraisal Framework

CD-018 Glossary of Terms and Abbreviations

CD-019 KPNP Development Plan Public Exhibition Consultation Responses

CD-020 Requirement to Conform with LPA's Local Plan-Report

CD-021a KPNP Site Appraisals MAP

CD-021b KPNP Site Appraisals Tables

CD-022 Consultation Statement

CD-023 KPNP Area Designation

CD-24 KPNP Statement on New Housing Numbers & Allocation

CD-24 Appendix 1 PC Cover letter Chichester District Council Housing No. Survey

CD-24 Appendix 2 A Rollinson PC Response to CDC

CD-24 Appendix 3 Parish Housing Numbers Consultation – Letter to Kirdford

CD-24 Appendix 3a Kirdford Key Facts

CD-24 Appendix 3b Parish Housing Numbers Consultation – Housing Numbers Table

CD-025-CPRE-NALC report

CD-26 Consultation Letter

CD-027 Prince's Foundation Advisory Report Kirdford NDP March 2013[1]

CD-028 June 2013 Kirdford Parish Housing Need

CD-29 Kirdford Parish Loss of Small Dwellings

Kirdford Live-work evidence listed in plan / web pages www.liveworknet.co.uk & www.liveworkhomes.co.uk

Regulation 16 Responses

Response from Anthony Brooks Local resident

English Heritage response

Chichester District Council – Homes and Communities

Chichester District Council – Environmental Team

Chichester District Council – Communities Team

Chichester District Council – Development Management

Chichester District Council – Policy

Chichester District Council – Sports and Leisure

Paul White Genesis Planning

Ian Campbell Local Resident

Environment Agency

Highways Agency

Horsham District Council

Sara Holmes Local resident

Natural England

South Downs National Park

Southern Water

Maroon Planning's response to the Regulation 16 consultee responses.

Kirdford Regulation 14 Responses

South Downs National Park

Chichester District Council – Planning Policy

Chichester District Council – Planning Policy / Development management

Chichester District Council – Housing

West Sussex County Council – Education

Chris Banks

Horsham District Council

English Heritage

Highways Agency

Southern Water

Genesis Town Planning

Environment Agency

Natural England

Chichester District Council Planning with Kirdford's response

Simon Jones